IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPICATION No. 3308 of 2007

Vitthal Laxman Gujar ..Applicant.

Vs.

THE STATE OF MAHARASHTRA ..Respondent.

Mr V.N. Shingnapurkar, Advocate for the Applicant.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA, J.
DATED: 29.10.2007.

P.C.:-

1. Heard learned Advocate for the applicant and the learned A.P.P.for the State.

2. Perused application and the material available on record.

3. This application under Section 438 of the Cr.P.C.,seeking anticipatory bail in C.R.No.82 of 2007 registered with the Paud Police Station, Pune for the offence punishable under Sections 420, 468, 465, 470 read with Section 34 of the I.P.C.

4. According to the learned counsel for the applicant, so far as the involvement of the applicant in alleged offence is concerned, he is witness to the sale deed executed by

executants; namely, Pramod Shankar Balkawde and others. He has identified those persons. Those persons were actually present before the Sub-Registrar. Merely because executants have included land of some other co-owner in the sale deed that will not prima facie implicate the present applicant in the offence alleged against him.

5. Learned A.P.P. opposed the application but could not take his submission to the logical end.

6. Having heard rival parties, it is not in dispute that some of the accused persons are granted anticipatory bail in M.A.No. 2308 of 2007 by learned Ad hoc Additional Sessions Judge,Pune. There is no prima facie material on record warranting custodial interrogation.

7. In the above view of the matter, I am inclined to grant anticipatory bail to the present applicant on following terms and conditions:

(a) The applicant Vitthal Laxman Gujar, resident of Marnewadi, taluka Mulshi, District Pune, in the event of his arrest in C.R. No. 82 of 2007 under

Sections 420, 468, 465, 470 read with Section 34 of the I.P.C. be released on bail on his executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.

(b) The applicant shall attend concerned Police Station every Monday between 10:30 a.m. to 12:30 noon till the filing of charge sheet without fail.

(c) the applicant shall no directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(d) the applicant shall n pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

(e) The applicant is put on notice that on a report by the State in violating any of the conditions mentioned herein will result in cancellation of bail.

8. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

9. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

10. The application is allowed in the above terms.

(V.C. DAGA,J.)